



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 28, 1995

Mr. Robert E. Diaz  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-231

OR95-950

Dear Mr. Diaz:

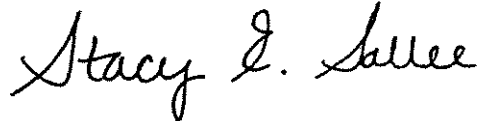
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35032.

The City of Arlington (the "city") received a request for all "'scenario' sheets or hypothetical situation descriptions which were presented to the candidates in the 'City of Arlington 1993 Police Lieutenant Assessment Center' for their response." You claim that the requested information is excepted from disclosure under section 552.122(b) of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.122(b) excepts from disclosure test items developed by a licensing agency or governmental body. In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated, but does not encompass evaluations of an employee's overall job performance or suitability. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. Open Records Decision No. 626 (1994) at 6. Traditionally, this office has applied section 552.122 where release of "test items" might compromise the effectiveness of future examinations. *Id.* at 4-5; *see also* Open Records Decision No. 118 (1976). You have submitted a statement from the police department's testing specialist in which he states that these scenarios are re-used in assessment of police officers for promotion. After reviewing the submitted documents, we conclude that they are "test items" and that the city may withhold the documents under section 552.122(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Stacy E. Sallee".

Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/rho

Ref.: ID# 35032

Enclosures: Submitted documents

cc: Mr. Kirby Word  
(w/o enclosures)